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Attorneys for Defendants
ST. MARY'S HIGH SCHOOL and
ST. MARY'S HIGH SCHOOL FOUNDATION

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SUSANA VERDUZCO,

Plaintiff,

vs.

ST. MARY'S HIGH SCHOOL, ST. MARY'S
HIGH SCHOOL FOUNDATION, and DOES
1 through 50, inclusive,

Defendants.

Case No. 2:23-cv-02269-KJM-KJN

**STIPULATION OF DISMISSAL
PURSUANT TO FRCP 41(a)(1)(A)(ii) AND
ORDER OF DISMISSAL**

Chief District Judge: Kimberly J. Mueller

IT IS HEREBY STIPULATED BY AND BETWEEN ALL PARTIES AS FOLLOWS:

Defendants ST. MARY'S HIGH SCHOOL ("SMHS") and ST. MARY'S HIGH SCHOOL FOUNDATION (the "Foundation") (SMHS and the Foundation are hereafter collectively referred to as "Defendants") and Plaintiff SUSANA VERDUZCO ("Plaintiff") (SMHS, the Foundation, and Plaintiff are hereafter collectively referred to as the "Parties"), by and through their respective counsel of record, hereby jointly stipulate and agree in accordance with Federal Rules of Civil

1 Procedure (“FRCP”), Rule 41(a)(1)(A)(ii), as follows:

2 WHEREAS, on August 18, 2023, Plaintiff filed a Complaint in the Superior Court of
3 California, County of San Joaquin under Case no. STK-CV-UWT-2023-0009007 against SMHS and
4 the Foundation alleging eleven causes of action against Defendants allegedly stemming from
5 Plaintiff’s purported employment with Defendants (the “Complaint”).

6 WHEREAS, on October 5, 2023, Defendants removed Plaintiff’s case to this Court, now
7 bearing U.S. District Court, Eastern District of California, Case No 2:23-cv-02269-KJM-KJN.

8 WHEREAS, on November 17, 2023, Defendants jointly filed their Motion to Dismiss
9 Pursuant to FRCP 12(b)(6) Without Leave to Amend and for More Definite Statement Pursuant to
10 FRCP 12(e) (the “Motion”).

11 WHEREAS, the Foundation contends that it cannot be subject to suit under any of Plaintiff’s
12 causes of action in her Complaint as it neither employed Plaintiff nor had any other involvement
13 with her.

14 WHEREAS, the Parties have met and conferred regarding the Foundation issue and have
15 agreed to a dismissal without prejudice by Plaintiff in favor of the Foundation. Through those meet
16 and confer efforts, the Parties further agreed that any claims dismissed by Plaintiff in favor of the
17 Foundation shall be tolled as of August 18, 2023 until this Case has been resolved.

18 WHEREAS, SMHS and Plaintiff acknowledge and agree that the Motion must remain
19 submitted to be addressed by this Court despite this stipulation to dismiss Plaintiff’s claims against
20 the Foundation.

21 **NOW THEREFORE, IT IS HEREBY STIPULATED**, between the Parties, subject to this
22 Court’s approval, that:

23 1. Any and all claims raised by Plaintiff in her Complaint against the Foundation (i.e., the
24 First through Eleventh Causes of Action) be dismissed without prejudice;

25 2. The statutes of limitations and any other time limits and deadlines applicable to the
26 First through Eleventh Causes of Action in the Complaint be tolled as of August 18, 2023, through
27 the duration of this Case as to the Foundation only; and

28 3. In the event this case resolves through settlement or judgment, any and all claims that

1 Plaintiff has or may have against the Foundation that have not been refiled shall expire, rendering
2 those claims (if any) moot.

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4 Dated: February 21, 2024

NEUMILLER & BEARDSLEE
A PROFESSIONAL CORPORATION

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6 By: /s/ Roberto Jimenez, Jr.

7 LISA BLANCO JIMENEZ
8 ROBERTO JIMENEZ, JR.

9 Attorney for Defendants ST. MARY'S HIGH
10 SCHOOL and ST. MARY'S HIGH SCHOOL
11 FOUNDATION

12
13 Dated: February 21, 2024

LAW OFFICES OF CORREN & CORREN

14
15 By: /s/ Spencer D. Sinclair (as authorized on 2/21/24)

16 ADAM BLAIR CORREN
17 SPENCER D. SINCLAIR

18 Attorney for Plaintiff SUSANA VERDUZCO
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ORDER OF DISMISSAL

IT IS ORDERED THAT, pursuant to the Stipulation of Dismissal Pursuant to FRCP 41(a)(1)(A)(ii), the following causes of action raised in the Complaint by Plaintiff against the Foundation are dismissed without prejudice as of the date of this order:

1. First Cause of Action (Pregnancy Discrimination);
2. Second Cause of Action (Pregnancy Harassment);
3. Third Cause of Action (Violation of Pregnancy Disability Leave Law);
4. Fourth Cause of Action (Violation of Government Code § 12940(m) & § 12945(1)(a)(3));
5. Fifth Cause of Action (Violation of Government Code § 12940(n));
6. Sixth Cause of Action (Violation of Government Code § 12940(k));
7. Seventh Cause of Action (Intentional Infliction of Emotional Distress);
8. Eighth Cause of Action (Violation of CA Constitution Article I, Section 8);
9. Ninth Cause of Action (Title VII Pregnancy Discrimination – Disparate Impact);
10. Tenth Cause of Action (Title VII Hostile Environment – Pregnancy Harassment); and
11. Eleventh Cause of Action (Title VII & ADA Failure to Accommodate).

In accordance with the parties' stipulation, the statutes of limitations and any other time limits and deadlines applicable to the First through Eleventh Causes of Action in the Complaint is tolled as of August 18, 2023, through the duration of this Case as to the Foundation only; and in the event this case resolves through settlement or judgment, any and all claims that Plaintiff has or may have against the Foundation that have not been refiled shall expire, rendering those claims (if any) moot.

IT IS FURTHER ORDERED THAT the Foundation and Plaintiff are to bear their own attorney's fees and costs as to the dismissed claims.

DATED: February 29, 2024.


CHIEF UNITED STATES DISTRICT JUDGE